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10     **IN THE DISTRICT COURT**  
11     **FOR THE NORTHERN MARIANA ISLANDS**

12     **LI FENFEN,** )      **Civ. No. 07-0033**  
13        )  
14        **Plaintiff,** )  
15        )  
16     **vs.** )      **ANSWER TO**  
17     **SEAHORSE INC. SAIPAN,** )      **COUNTERCLAIM**  
18        )  
19        **Defendants.** )  
20        )  
21        )  
22        )  
23        )  
24        )  
25        )  
26        )  
27        )  
28        )

14     COMES NOW Plaintiff Li Fenfen, by and through counsel, and answers the allegations in  
15     Defendant's Counterclaim as follows:

- 17     1. Plaintiff admits the allegations in paragraphs 1 and 2 of the Counterclaim.  
18
- 19     2. Plaintiff denies the allegations in paragraphs 3 and 11 of the Counterclaim.  
20
- 21     3. Plaintiff lacks knowledge sufficient to form a belief as to the truth of the allegations in  
22     paragraphs 5 and 10 of the Counterclaim, and on that basis denies the same.  
23
- 24     4. With respect to the allegations in paragraph 4 of the Counterclaim, Plaintiff admits that  
25     venue is appropriate in this jurisdiction, but denies that her claim involves a vessel on a voyage in  
26     navigable waters, and denies for lack of sufficient knowledge the make, model, and identification  
27     number alleged.  
28

1       5. With respect to the allegations in paragraph 6 of the Counterclaim, Plaintiff admits that  
2 on April 29, 2007, a jet ski was being operated from the shores of Saipan, CNMI, but denies that the  
3 jet ski was a vessel on a voyage in navigable waters, denies for lack of sufficient knowledge the  
4 make, model, and identification number alleged, and denies for lack of sufficient knowledge the  
5 alleged purpose of the operation.

6  
7       6. With respect to the allegations in paragraph 7 of the Counterclaim, Plaintiff admits that  
8 an employee of Seahorse permitted her to ride on a jet ski, but denies that he did so without the  
9 privity or knowledge of Seahorse, denies that the jet ski was a vessel or that it was engaged in a  
10 voyage, and denies Seahorse had or has no privity or knowledge of any negligent act or omission  
11 by the employee.

12  
13       7. With respect to the allegations in paragraph 8 of the Counterclaim, Plaintiff admits that  
14 she fell from the jet ski, and admits that the jet ski returned to the shores of Saipan, but denies that  
15 she jumped from the jet ski, denies that she pulled the employee into the water, denies that the jet  
16 ski was a vessel or that it was engaged in a voyage, denies for lack of sufficient knowledge the  
17 allegations that the jet ski was intact and undamaged, and denies for lack of sufficient knowledge  
18 the fair market value alleged.

19  
20       8. With respect to the allegations in paragraph 9 of the Counterclaim, Plaintiff admits that  
21 she has filed a claim against Seahorse Inc. Saipan with respect to her injuries, but denies that these  
22 injuries occurred during a voyage.

23  
24       Plaintiff raises the following affirmative defenses to the allegations in the Counterclaim:

25  
26       1. The Counterclaim fails to state a claim upon which relief can be granted.

2. The Counterclaim is barred by the applicable statute of limitations.

3. The federal laws forming the basis of the Counterclaim are inapplicable in the CNMI.

4. Defendant has waived its right to assert this counterclaim and/or is estopped from  
asserting it.

WHEREFORE Plaintiff prays that the relief sought by Defendant by way of its counterclaim

be denied.

Respectfully submitted this 17<sup>th</sup> day of December, 2007.

O'CONNOR BERMAN DOTT & BANES  
Attorneys for Plaintiff

By: \_\_\_\_\_ /s/ \_\_\_\_\_  
Joseph E. Horey

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